

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 93-84 (as amended)

Introduced by Council Members Parrott and Glassman  
Legislative Day No. 93-32 Date December 7, 1993

AN ACT to repeal and reenact the definition of commercial greenhouses and nurseries, of Section 267-4, Definitions, of Article I, General Provisions, to add the definition of mulch storage and sales to Section 267-4, Definitions, of Article I, General Provisions, and to add new subsections D(13) and E(4) to Section 267-26, Accessory Uses and Structures, of Article V, Supplementary Regulations, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to allow mulch storage and sales as an accessory use to commercial greenhouses and nurseries in certain zoning districts under certain conditions; and generally relating to accessory uses.

By the Council, December 7, 1993

Introduced, read first time, ordered posted and public hearing scheduled  
on: January 4, 1994  
at: 7:15 p. m.

By Order: James D. Vannoy, Acting Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 4, 1994, and concluded on, January 11, 1994

James D. Vannoy  
Acting Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford  
2 County, Maryland, That the definition of commercial greenhouses and  
3 nurseries, of Section 267-4, Definitions, of Article I, General  
4 Provisions, be, and it is hereby, repealed and reenacted with  
5 amendments, that the definition of mulch storage and sales be, and  
6 it is hereby, added to Section 267-4, Definitions, of Article I,  
7 General Provisions, and that new subsections D(13) and E(4) be, and  
8 they are hereby, added to Section 267-26, Accessory Uses and  
9 Structures, of Article V, Supplementary Regulations, of Part 1,  
10 Standards, of Chapter 267, Zoning, of the Harford County Code, as  
11 amended, to read as follows:

12 Chapter 267. Zoning.

13 Part 1. Standards.

14 Article I. General Provisions.

15 Section 267-4. Definitions.

16 For the purposes of this Part 1, the following words and  
17 phrases shall have the meanings provided below:

18 Greenhouses and nurseries, commercial - a retail business for  
19 the cultivation and sale of plants grown on the premises in  
20 greenhouses or as nursery stock and accessory items directly  
21 related to their care and maintenance, such as pots, soil, mulch,  
22 fertilizer, insecticides, rakes or shovels. THIS USE INCLUDES THE  
23 STORAGE AND SALE OF MULCH INCIDENTAL TO THE NURSERY OPERATION, BUT  
24 DOES NOT INCLUDE THE PROCESSING OR GRINDING OF MULCH.

25 MULCH STORAGE AND SALES - AN OPERATION FOR THE STORAGE OF  
26 NATURAL WOOD MULCH FOR LANDSCAPING AND OTHER USES AND FOR SALE OF  
27 THE PRODUCT, EITHER WHOLESALE OR RETAIL. MULCH STORAGE AND SALES

INCLUDES COMPOSTING, BUT DOES NOT INCLUDE THE PROCESSING OR  
GRINDING OF MULCH.

Article V. Supplementary Regulations.

Section 267-26. Accessory Uses and Structures.

D. Accessory uses in agricultural and residential districts.

The following accessory uses shall be permitted in agricultural and residential districts upon issuance of a zoning certificate, unless otherwise specified, in accordance with the following:

(13) MULCH STORAGE AND SALES AS AN ACCESSORY USE TO COMMERCIAL GREENHOUSES AND NURSERIES IN THE AG DISTRICT, PROVIDED ~~THAT THE SALE OF MULCH ACCOUNTS FOR LESS THAN 50% OF THE ANNUAL GROSS SALES RECEIPTS OF THE GREENHOUSE OR NURSERY. BY JANUARY 31 OF EACH YEAR, THE GREENHOUSE OR NURSERY OWNER SHALL PROVIDE TO THE ZONING ADMINISTRATOR WRITTEN NOTICE OF THE AMOUNT OF THE PREVIOUS YEAR'S TOTAL GROSS SALES RECEIPTS AND THE GROSS SALES RECEIPTS FOR MULCH. A SEPARATE ZONING CERTIFICATE IS NOT REQUIRED.~~

THAT:

(a) A SEPARATE ZONING CERTIFICATE IS NOT REQUIRED;

(b) THE SALE OF MULCH ACCOUNTS FOR LESS THAN 20% OF THE ANNUAL GROSS SALES RECEIPTS OF THE GREENHOUSE OR NURSERY;

(c) OUTDOOR STORAGE OF MULCH IS LIMITED TO:

(i) A MAXIMUM AREA OF 1 ACRE OR 10% OF THE TOTAL LOT AREA, WHICHEVER IS LESS; AND

(ii) A MAXIMUM HEIGHT OF 10 FEET;

1           (d) IF THE DEPARTMENT DETERMINES THAT THERE IS REASON  
2 TO BELIEVE THAT THE MULCH SALES AND STORAGE ARE OF SUCH AN EXTENT  
3 AS TO CONSTITUTE MORE THAN AN ACCESSORY USE, THE OWNER OF THE  
4 PROPERTY SHALL PROVIDE, WITHIN 14 CALENDAR DAYS AFTER RECEIVING  
5 WRITTEN NOTICE FROM THE DEPARTMENT, EVIDENCE THAT THE PERCENTAGE  
6 REQUIREMENT IS NOT BEING VIOLATED. IF SUCH EVIDENCE IS NOT  
7 PROVIDED, THE DEPARTMENT SHALL PROCEED WITH THE APPROPRIATE  
8 ENFORCEMENT ACTION;

9           (e) IN ACCORDANCE WITH THE STATE LAW ON ACCESS TO PUBLIC  
10 RECORDS, §§10-611 ET SEQ OF THE STATE GOVERNMENT ARTICLE, THE  
11 DEPARTMENT SHALL TREAT THE GROSS SALES RECEIPTS INFORMATION IT  
12 OBTAINS AS CONFIDENTIAL FINANCIAL INFORMATION AND SHALL NOT PERMIT  
13 PUBLIC INSPECTION OF THE INFORMATION; AND

14           (f) IF A MULCH STORAGE AND SALES OPERATION CONDUCTED AS  
15 AN ACCESSORY USE TO A COMMERCIAL GREENHOUSE OR NURSERY DOES NOT  
16 MEET THE REQUIREMENTS OF ITEMS (b) OR (c) OF THIS PARAGRAPH (13),  
17 THE OPERATION SHALL BE CONSIDERED THE PRINCIPAL USE OF THE PROPERTY  
18 AND SHALL BE SUBJECT TO THE REQUIREMENTS APPLICABLE TO A MULCH  
19 STORAGE AND SALES OPERATION CONDUCTED AS A PRINCIPAL USE.

20           E. Accessory uses permitted in business and industrial  
21 districts. The following accessory uses shall be [permitted, upon  
22 issuance of a zoning certificate,] PERMITTED in the business and  
23 industrial districts UPON ISSUANCE OF A ZONING CERTIFICATE, UNLESS  
24 OTHERWISE SPECIFIED, IN ACCORDANCE WITH THE FOLLOWING:

25           (4) MULCH STORAGE AND SALES AS AN ACCESSORY USE TO  
26 COMMERCIAL GREENHOUSES AND NURSERIES IN THE VB AND GI DISTRICTS,

1 ~~PROVIDED THAT THE SALE OF MULCH ACCOUNTS FOR LESS THAN 50% OF THE~~  
2 ~~ANNUAL GROSS SALES RECEIPTS OF THE GREENHOUSE OR NURSERY. BY~~  
3 ~~JANUARY 31 OF EACH YEAR, THE GREENHOUSE OR NURSERY OWNER SHALL~~  
4 ~~PROVIDE TO THE ZONING ADMINISTRATOR WRITTEN NOTICE OF THE AMOUNT~~  
5 ~~OF THE PREVIOUS YEAR'S TOTAL GROSS SALES RECEIPTS AND THE GROSS~~  
6 ~~SALES RECEIPTS FOR MULCH. A SEPARATE ZONING CERTIFICATE IS NOT~~  
7 ~~REQUIRED.~~

8 THAT:

9 (a) A SEPARATE ZONING CERTIFICATE IS NOT REQUIRED;

10 (b) THE SALE OF MULCH ACCOUNTS FOR LESS THAN 20% OF THE  
11 ANNUAL GROSS SALES RECEIPTS OF THE GREENHOUSE OR NURSERY;

12 (c) OUTDOOR STORAGE OF MULCH IS LIMITED TO:

13 (i) A MAXIMUM AREA OF 1 ACRE OR 10% OF THE TOTAL  
14 LOT AREA, WHICHEVER IS LESS; AND

15 (ii) A MAXIMUM HEIGHT OF 10 FEET;

16 (d) IF THE DEPARTMENT DETERMINES THAT THERE IS REASON  
17 TO BELIEVE THAT THE MULCH SALES AND STORAGE ARE OF SUCH AN EXTENT  
18 AS TO CONSTITUTE MORE THAN AN ACCESSORY USE, THE OWNER OF THE  
19 PROPERTY SHALL PROVIDE, WITHIN 14 CALENDAR DAYS AFTER RECEIVING  
20 WRITTEN NOTICE FROM THE DEPARTMENT, EVIDENCE THAT THE PERCENTAGE  
21 REQUIREMENT IS NOT BEING VIOLATED. IF SUCH EVIDENCE IS NOT  
22 PROVIDED, THE DEPARTMENT SHALL PROCEED WITH THE APPROPRIATE  
23 ENFORCEMENT ACTION;

24 (e) IN ACCORDANCE WITH THE STATE LAW ON ACCESS TO PUBLIC  
25 RECORDS, §§10-611 ET SEQ OF THE STATE GOVERNMENT ARTICLE, THE  
26 DEPARTMENT SHALL TREAT THE GROSS SALES RECEIPTS INFORMATION IT

1 OBTAINS AS CONFIDENTIAL FINANCIAL INFORMATION AND SHALL NOT PERMIT  
2 PUBLIC INSPECTION OF THE INFORMATION; AND

3 (f) IF A MULCH STORAGE AND SALES OPERATION CONDUCTED AS  
4 AN ACCESSORY USE TO A COMMERCIAL GREENHOUSE OR NURSERY DOES NOT  
5 MEET THE REQUIREMENTS OF ITEMS (b) OR (c) OF THIS PARAGRAPH (4),  
6 THE OPERATION SHALL BE CONSIDERED THE PRINCIPAL USE OF THE PROPERTY  
7 AND SHALL BE SUBJECT TO THE REQUIREMENTS APPLICABLE TO A MULCH  
8 STORAGE AND SALES OPERATION CONDUCTED AS A PRINCIPAL USE.

9 Section 2. And Be It Further Enacted, That:

10 A. The County Council intends by this Act to clarify the law  
11 regarding mulch storage and sales as an accessory use to  
12 greenhouses and nurseries by establishing a measurable and  
13 enforceable standard for determining, in each individual situation,  
14 whether the use constitutes an accessory use or is itself the  
15 principal use of the property.

16 B. The Council understands that the current administrative  
17 interpretation of the zoning laws allows mulch storage and sales  
18 as an accessory use to commercial greenhouses and nurseries in the  
19 AG, VB, B3, CI and GI zoning districts, and that this Act permits  
20 such an accessory use only in the AG, VB and GI districts.

21 C. Mulch storage and sales operations which exist on or before  
22 the effective date of this Act as accessory uses to commercial  
23 greenhouses or nurseries in the AG, VB, and GI zoning districts  
24 shall be considered nonconforming uses until July 1, 1997, and on  
25 and after that date such accessory uses shall:

1     (1) be conducted in accordance with the requirements imposed by  
2     Section 1 of this Act;

3     (2) meet the requirements of the Harford County Code for mulch  
4     sales and storage operations conducted as a principal use; or

5     (3) cease operation.

6             D. The Council intends that all mulch storage and sales  
7     operations which exist on or before the effective date of this Act  
8     as accessory uses to commercial greenhouses or nurseries in the B3  
9     and CI zoning districts shall constitute nonconforming uses in  
10    regard to this Act, as provided generally in §267-18 of the Harford  
11    County Code.

12    Section 2-3.     And Be It Further Enacted, That this Act shall take  
13    effect 60 calendar days from the date it becomes law.

14    EFFECTIVE: April 25, 1994  
15

HARFORD COUNTY BILL NO. 93-84

(Brief Title) Mulch - Accessory Use to Nurseries

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Vannoy  
Acting Secretary  
of the Council

John D. DeLo  
President of the Council

Date February 8, 1994

Date February 8, 1994

BY THE COUNCIL

Read the third time.

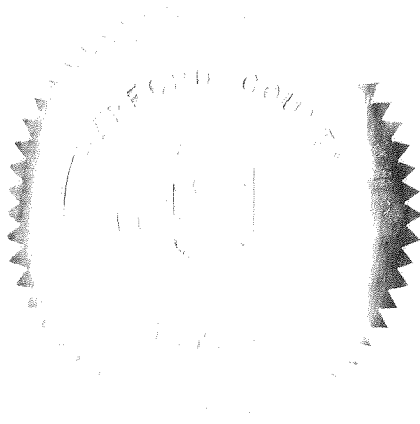
Passed: LSD 94-5 (February 8, 1994)

Failed of Passage: \_\_\_\_\_

By Order

James D. Vannoy  
Acting Secretary

Sealed with the County Seal and presented to the County Executive for approval this 10th day of February, 1994 at 3:00 p. m.



James D. Vannoy  
Acting Secretary

BY THE EXECUTIVE

Eileen M. Rehmann  
COUNTY EXECUTIVE

APPROVED: Date February 22, 1994

BY THE COUNCIL

This Bill (No. 93-84, as amended), having been approved by the Executive and returned to the Council, becomes law on February 22, 1994.

James D. Vannoy  
Acting Secretary

EFFECTIVE DATE: April 25, 1994